

Serial No. 10/695,398

REMARKS

In accordance with the foregoing, claim 1 has been amended. Antecedent basis for the claim changes can be found throughout the application, including, page 18, lines 30-37.

Claims 1-8, 10, 12-16, 18 and 19 are pending and under consideration. It should be noted that the February 6, 2006 Office Action Summary fails to acknowledge the cancellation of claims 9, 11 and 17.

ENTRY OF AMENDMENT:

It is respectfully submitted that the forgoing claim changes should be entered at this stage of prosecution. The majority of the claims have been allowed. The Examiner apparently recognizes the differences between the invention and the cited references. The foregoing claim changes simply address a potential claim interpretation problem. For example, changing the "state of use of an amplifier" to -existence of an amplifier- simply addresses the Examiner's argument. Furthermore, many of the remaining claims more clearly recite how monitoring is performed, and the Examiner has allowed these claims. Therefore, the above claim changes do not require additional search or/and consideration.

The claim changes were not made previously because Applicant did not understand that they were necessary. Furthermore, Applicant believed that the claims distinguished over the reference because the tilt monitoring part 3 of U.S. Patent No. 6,785,042 to Onaka et al does not monitor the correct link. That is, the tilt monitoring part 3 monitors a Raman amplifier at a node the same as that of the optical amplifier in a link the same as that of the optical amplifier. Entry of the claims changes is respectfully requested.

THE REJECTION UNDER 35 USC § 102

The sole issue remaining in this Office Action is a rejection of claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Onaka et al. This reference relates to slope control of Raman amplification in a wavelength-division multiplexing optical communication system. In this system, an optical lossy medium (optical path) 9, an optical amplifier 8 and a Raman amplifier 2 are cascade-connected. According to Onaka et al., a tilt monitoring part 3 monitors the wavelength characteristics of the optical transmission power at the optical amplifier 8. The Raman amplifier 2 controls the power of the Raman pump light to compensate for tilts in the wavelength characteristics, to achieve flatness.

Serial No. 10/695,398

Independent claim 1 previously recited "acquisition means for acquiring state of use of a Raman amplifier at a node the same as that of the optical amplifier, in a link opposing a link in which said optical amplifier exists." Referring to Fig. 1 of U.S. Patent No. 6,785,042 to Onaka et al., perhaps the Examiner believes that "a link opposing a link in which the optical amplifier exists" is equivalent to the feedback loop of Onaka et al., in which tilt monitoring part 3 and Raman amplification controlling part 4 are provided.

Independent claim 1 has been amended to recite at least two transmission links to separately carry information between two points. According to the claims changes, a plurality of nodes are provided within the transmission links, each nodes having at least two amplifiers provided respectively for the at least two transmission links. With this claim change, it is believed that clearly "a link apposing a link in which the optical amplifier exists" is not the feedback loop of Onaka et al.

Referring to Page 2 of the Office Action, the Examiner Indicates that he is interpreting "state of use" as the amount of tilt monitored by the monitoring part 3. To address this, claim 1 has been amended to recite that the acquisition means determines "whether a Raman amplifier exists at a node the same as that of the optical amplifier in a link opposing a link in which said optical amplifier exists or a node downstream from said optical amplifier.

Examiner Diacou kindly discussed the above claim interpretation issues and the belief that these issues are why the prior art rejection was maintained. The Examiner's time in preparing for and conducting the discussions is acknowledged and gratefully appreciated.

The invention relates to deciding whether or not to cause an optical amplifier to perform slope correction based upon the existence of a Raman amplifier. This is absolutely different from Onaka et al., which is simply directed to controlling the tilt. Onaka et al. is not concerned with whether an optical amplifier exist. Onaka et al. does not disclose:

acquisition means for requiring whether a Raman amplifier exist in a link which is connected to a node the same as that of the optical amplifier, but is opposing a link in which said optical amplifier exist, or whether a Raman amplifier exist at an adjacent node downstream from the optical amplifier; and

means for deciding, based upon the exist of the Raman amplifier, whether or not to cause the optical amplifier to perform slope correction.

Based on at least these deficiencies, it is submitted that the anticipation rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/695,398

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 8 2006By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,

P.O. Box 1450, Alexandria, VA 22313-1450,

on May 8, 2006

STAAS & HALSEY

By: Mark J. HenryDate: 5-8-06

2006 MAY 8 10 10 AM
FACSIMILE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
U.S. DEPT. OF COMMERCE
PATENT & TRADEMARK OFFICE